

**DOCKET OFFICE TIPS FOR PARTIES AND PRACTITIONERS
BEFORE THE CALIFORNIA PUBLIC UTILITIES COMMISSION**
--This is NOT legal advice--

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INTRODUCTION

This material gives answers to commonly asked questions regarding Commission requirements for the filing and docketing of documents. This information is all based on the Commission Rules of Practice and Procedure (Rules), and that is always the first source you should check regarding procedures in general. Additional or different requirements for certain types of filings are also included in the Public Utilities Code and in the Commission's decisions, general orders, and resolutions. For a particular proceeding, rulings or decisions may contain the schedule or other procedural direction.

If you have questions related to your specific situation that are not answered by this material or review of the Rules, please feel free to contact the Public Advisor's Office at (415) 703-2074 or public.advisor@cpuc.ca.gov (San Francisco) or (213) 576-7055 or public.advisor.la@cpuc.ca.gov (Los Angeles).

WHERE TO OBTAIN COPIES OF RULES AND ASSISTANCE WITH QUESTIONS REGARDING COMMISSION RULES

Q: Where can a practitioner, party or member of the public get information about the Rules or Commission requirements?

A: The Rules are posted on the Commission website at [www.cpus.ca.gov/rules/table of contents.htm](http://www.cpus.ca.gov/rules/table%20of%20contents.htm) on the Administrative Law Judges (ALJ) Division page. Persons may also obtain a copy of the Rules or general information regarding the Rules and other requirements through the Public Advisor's office. Statutory requirements found in the Public Utilities Code, are posted on the Commission website at www.leginfo.ca.gov/calaw.html. Copies of Public Utilities Code sections may also be obtained through the Public Advisor's office or at any county law library.

FILING OF DOCUMENTS WITH SAN FRANCISCO, LOS ANGELES, OR SAN DIEGO COMMISSION OFFICES

Q: Where can documents be submitted for filing?

A: Personal Delivery:

Parties may submit documents for filing by personal delivery to the Docket Office at the Commission's Offices in San Francisco, 505 Van Ness Avenue, Room 2001, at the Commission's offices in the State Building, 320 W. 4th Street, Los Angeles, or in the State Building, 1350 Front Street, San Diego. All hand-delivered documents to the Los Angeles or San Diego offices must include first-class postage charges to San Francisco. Payment of the postage charges may be made by check or money order. (Rule 3(a).) Documents hand-delivered to the Los Angeles or San Diego Commission offices will not be considered filed until they have been reviewed and accepted for filing by the Docket Office in San Francisco. (Rule 3(b).) Given mail delays, hand delivery of documents to the Los Angeles and San Diego offices can result in significant docketing delay. Mailing directly to San Francisco Docket Office may be preferable for that reason.

By mail:

Parties may submit documents for filing by mailing them to the Docket Office in San Francisco.

NUMBER OF COPIES OF DOCUMENTS REQUIRED FOR FILING

Q: How many copies of a document must be submitted?

A: Until the Commission has established an official service list for the proceeding, parties generally must submit for filing an original and seven copies of the document including any attachments (but not including any transmittal letter). After an official service list has been established, parties generally must submit for filing an original and four copies of the document, including any attachments. (Rule 2.5.)

However, regardless of the status of the approved service list, a party submitting a complaint for filing must submit an original and twelve copies, plus two additional copies for each named defendant (Rule 11, 13.2(e).), and a party filing a notice of ex parte communication must file an original and seven copies of the notice. (Rule 7.1.)

Q: May an additional copy of the document be submitted for filing

instead of the original?

A: Yes, but the party who submits the document for filing must keep the original and produce it upon the request of the ALJ. (Rule 2.5(b).)

SIGNATURE REQUIREMENTS FOR DOCUMENTS FILED WITH THE COMMISSION

Q: Must a document submitted for filing be signed?

A: Yes. The document must be signed at the end of the document and must state the date of the signing, the signer's address, and the signer's telephone number. (Rule 2.2(a).)

Q: May a party file a copy of the original signature page, rather than the original signature page?

A: Yes. However, if a copy of the original signature page is submitted for filing, the party must keep the original and produce it at the ALJ's request, until the Commission's final decision in the proceeding is no longer subject to judicial review. (Rule 2.2(e).)

Q: Can either the party or its attorney or representative sign the document?

A: Yes. (Rule 2.2(c).)

Q: If a document is submitted for filing on behalf of more than one party, must each party or its attorney or representative sign the document?

A: Generally, no. Only one party or its attorney or representative needs to sign, provided that the person signing has proper authorization from the other parties to sign on their behalf. However, the title or first page of the document must identify all parties on whose behalf the document is being tendered for filing and must state their Case Information System Identification Numbers, if applicable. (Rule 2.2 (d).)

Q: Are there special signature requirements for applications to sell, lease, or encumber utility property or rights, to merge or consolidate

facilities, to acquire the stock of another utility, or to acquire or control another utility pursuant to Article 9 of the Rules?

A: Yes. These applications must be signed by all applicants. (Rule 2.4(c).)

Q: What persons, other than an attorney or representative, may sign on behalf of a party in a Commission proceeding?

A: Only the following persons, other than an attorney or representative, may sign a document filed on behalf of a party:

- If the party is an individual or sole proprietorship, the individual or proprietor.
- If the party is a corporation, trust or association, an officer.
- If the party is a partnership or limited partnership, a partner or general partner, respectively.
- If the party is a governmental entity, an officer, agent, or authorized employee. (Rule 2.2 (c).)

Q: What is the legal significance of signing a document submitted to the Commission for filing?

A: A signature on a document submitted for filing means: (1) the signer has read the document and knows its contents, (2) to the signer's best knowledge, information, and belief, formed after reasonable inquiry, the facts stated are true; (3) any legal contentions are warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law, (4) that the document is not being submitted for any improper purpose, (5) the signer has full power and authority to sign the document. (Rule 2.2(b).)

VERIFICATION OF DOCUMENTS

Q: What types of documents submitted for filing must be verified?

A: Applications, complaints, answers, amendments to applications and complaints, and other documents as may be specified by the

Rules, must be verified. (Rule 2.4.)

Q: How should the verification of the document be made?

A: Both the Commission complaint form and application form contain a verification that may be signed by the party or when permitted by Rule 2.4, its attorney or representative. The complaint and application forms are posted on the Commission website under Rule 88 of the rules of Practice or may be obtained through the Public Advisor's Office.

Otherwise, the document must be verified by a sworn affidavit signed before a notary public or a declaration under penalty of perjury. The affidavit or declaration must state that the contents of the document are true of the verifying party's own knowledge, except as to matters stated on information and belief, and that as to those matters, the verifying party believes them to be true. (Rule 2.4.)

Q: Who should verify the document?

A: The filing party should generally verify the document. The following persons may verify a document filed on behalf of a party:

- If the party is an individual or sole proprietorship, the individual or sole proprietor.
- If the party is a corporation, trust, or association, an officer.
- If the party is a partnership or limited partnership, a partner or general partner, respectively.
- If the party is a governmental entity, by an officer, agent, or authorized employee. (Rule 2.4.)

Q: May an attorney or representative of a party verify a document on behalf of the party?

A: Only under limited circumstances. The attorney or representative may verify the document only if the party is absent from the county in which the attorney's or representative's office is located, or the party is otherwise unable to verify the document. The

attorney or representative must then state in the verification the reason that the party has not verified the document and that the attorney or representative has read the document and is informed and believes, and on that ground alleges, that the matters stated in it are true. (Rule 2.4.)

Q: If a document is submitted for filing on behalf of more than one party, must all parties (or their attorneys or representatives) sign the verification?

A: The answer depends on the type of document that the parties are submitting for filing. These requirements generally apply:

Applications. At least one applicant must generally verify applications (except applications for rehearing) and amendments to applications. However, applications to sell, lease, or encumber utility property or rights, to merge or consolidate facilities, to acquire the stock of another utility, or to acquire or control another utility must be signed and verified by all applicants.

Complaints. At least one complainant must verify complaints and amendments to complaints.

Answers. If there are more than one defendant in a complaint proceeding, at least one defendant must verify the answer. However, if each defendant files its own answer, each defendant must verify its own answer. (Rule 2.4.)

BINDING OF DOCUMENTS SUBMITTED FOR FILING

Q: How should documents submitted for filing be bound?

A: Documents submitted for filing may be bound in the upper left corner or along the left side. (Rule 2.)

Docket Office suggestion: The Docket Office prefers that documents be bound in the upper left corner using a brass round-head fastener or similar device. Documents should not be submitted for filing in binders.

TRANSMITTAL LETTERS

Q: Is a party required to include a transmittal letter with a document submitted for filing?

A: No, unless the party wishes the Docket Office to send an acknowledgement that the document has been filed. (Rule 2.7 and 3.1.) In this case, the party should submit a letter and a copy of the letter which explains the request for acknowledgement addressed to the Docket Office, with a self-addressed stamped envelope. In the letter, the party may request that the Docket Office return the enclosed copy of the transmittal letter, or an extra copy of the document submitted for filing stamped as "filed" with the Commission.

Q: Should the transmittal letter be stapled to the document submitted for filing?

A: No. (Rule 2.) Docket Office suggestion: Please do not staple the transmittal letter to the document because the transmittal letter must be separated from the document for filing.

Q: Should a party include a copy of the transmittal letter with each copy of the document submitted for filing?

A: No. (Rule 2.5.)

ACCEPTANCE OF FILING

Q: When is a document considered to be "filed"?

A: Documents that are tendered or submitted to the Docket Office are not considered "filed" until they have been reviewed and accepted for filing by the Docket Office in San Francisco. If a document complies with the Commission's rules it is accepted for filing; the filing will be recorded as of the date it was first tendered for filing. (Rule 3(b) and (c).)

FILING FEES

Q: Are parties who initiate proceedings with the Commission required to pay a filing fee?

A: Yes. Parties that file applications with the Commission must

generally pay a filing fee at the time of the filing of the document. (Public agencies are exempt from this requirement.) The Commission's filing fees are stated in the Table of Filing Fees, which appears at the end of the Rules. (Rule 3.3.) A copy of this table is attached as an Exhibit 1 to this document.

REQUEST FOR EXTENSIONS OF TIME

Q: How can a party request permission from the Commission to file a document later than a deadline established by the Rules or by a ruling of the ALJ or assigned Commissioner?

A: Parties may request extensions of time limits established by the Rules or a ruling of the ALJ or assigned Commissioner. Such requests must be made to the ALJ orally or by letter. If other parties in the proceeding would be affected, the party requesting the extension must first make a good-faith effort to reach the other parties and to ask them to agree to the extension. The party must inform the ALJ whether the other parties have agreed to the extension at the time that the request is made. (Rule 48.)

Q: How can a party request permission from the Commission to file a document after a deadline established by Commission decision or order?

A: Parties may request extensions of time to comply with a Commission decision or order by letter to the Executive Director, with a copy sent to all parties in the proceeding. The Executive Director must receive the letter at least 3 business days before the deadline that the party wishes to extend. (Rule 48.)

Q: Can a party obtain an extension of time beyond a deadline established by statute?

A: No, unless the statute permits an extension of time or a waiver of the requirement. (Rule 48.)

Q: Must a party granted an extension of time by the ALJ or Executive Director notify other parties?

A: Generally yes. The ALJ will often require the party that

requested the extension to promptly notify the other parties that the request has been granted, but may confirm the extension of time by ruling or on the record of the proceeding. If the Executive Director grants the request, the party that requested the extension must promptly notify the other parties that the request was granted. (Rule 48.)

MOTIONS TO FILE DOCUMENTS

Q: What procedure should be followed if a party wishes to file a document late but has not requested an extension of time from the ALJ or Executive Director in advance?

A: The party may file and serve a motion to file the document late. The title of the motion must specifically reference the name of the document that the party wishes to late file and a copy of this document must be attached to the motion. The ALJ will decide whether to grant the motion.

REFERENCE TO EXTENSION OF TIME IN OPENING PARAGRAPHS OF DOCUMENT

Q: If a party received an extension of time or permission to file a late document, must the extension or permission to file the document late be noted in the document?

A: Yes. (Rule 48.) The party must state in the opening paragraphs of the document that the request for an extension of time or permission to file a late document was granted.

DOCKET OFFICE HANDLING OF DOCUMENTS THAT DO NOT COMPLY WITH COMMISSION RULES OR REQUIREMENTS/SUBSTANTIAL COMPLIANCE

Q: What happens if a party submits a document for filing that does not comply with Commission rules or requirements?

A: The Docket Office may return the document to the party without filing it, with a statement of the reasons that the document could not be filed. (Rule 3(a).)

However, if a document substantially complies with a Commission Rule or requirement, the Docket Office may notify the party of the problem and give the party seven days to submit a corrected document. If the party resubmits the document within seven days, and the document then complies with the Commission Rule or requirement, the Docket Office will file the document. The file date for the document will be the date on which it originally was submitted for filing. (Rule 3(g).)

NOTICE OF EX PARTE COMMUNICATIONS

Q: What is an ex parte communication?

A: An ex parte communication is a communication regarding a substantive issue in a proceeding between a party or an interested person, (such as a person having a financial interest in a Commission decision or a representative of an organization or group that wishes to influence a Commission decision) and a Commissioner, a Commissioner's advisor, an ALJ, the Chief ALJ or any Assistant Chief ALJ, which occurs off the record of a proceeding and without the opportunity of all parties to participate in communication. (Rule 1.1(g).)

The communication may be oral, such as a conversation, phone call, or meeting, or written, such as a letter, memo, report or e-mail message.

Q: When are ex parte communications permitted?

A: Ex parte communications are permitted in quasi-legislative proceedings and in ratesetting proceedings, subject to certain requirements. Ex parte communications are prohibited in adjudicatory proceedings. (Rule 7.) However, for proceedings that are not subject to Article 2.5 of the Rules, (which generally includes most proceedings filed before January 1, 1998) the ex parte rules in Article 1.5 apply. (See Rules 1.4, 4 and 7.)

Q: Are there specific requirements for different types of ex parte communications in ratesetting proceedings, such as all party meetings with a Commissioner, meetings between a single party and

a Commissioner, and written communications?

A: Yes. Please see Rule 7.

Q: When must a party or interested person file a notice of ex parte communication?

A: Parties must file notices for ex parte communications in ratesetting proceedings and when an ex parte communication regarding the categorization of a proceeding occurs. (Rule 7.1(b).)

Q: When and where should the notice of ex parte communications be filed?

A: The party or interested person must file a Notice of Ex Parte Communication with the Docket Office in San Francisco within three business days of date on which the ex parte communication occurred. (Rule 7.1.)

Q: How many copies of the Notice of Ex Parte Communication must be filed?

A: Parties must file the original plus seven copies of the Notice of Ex Parte Communication. (Rule 7.1(a).)

Q: What information must the Notice of Ex Parte Communication include?

A: A Notice of Ex Parte Communication must include:

- The date, time and place of the communication, including whether it was oral, written, or a combination of both.
- The name of each decisionmaker involved, the name of the party or interested persons who initiated the communication, and any other persons present during such communication.
- A description of the statements made by the party or interested persons during the communication.

If the party or interested person showed any written, audio visual or other material, such as report, memo or a film, to the decisionmaker

during the communication, or gave a copy of such material to the decisionmaker, a copy of this material must be attached to the Notice of Ex Parte Communication. (Rule 7.1.)

Q: Should statements of the decisionmaker be reported in the Notice of Ex Parte Communication?

A: No. (Rule 7.1.)

Q: How can a party or member of the public review or get a copy of the Notice of Ex Parte Communication filed in a proceeding?

A: Interested persons may request a copy of the Notice of Ex Parte Communication from the filing party or from the Commission's File room at (415) 703-2045. The Docket Office posts a summary of each Notice of Ex Parte Communication in the Commission's Daily Calendar and on the Commission website at:
www.cpuc.ca.gov

OFFICIAL SERVICE LISTS FOR PROCEEDINGS

Q: When does the Commission establish an official service list for a proceeding?

A: The Commission generally establishes the official service list for a proceeding after the first prehearing conference. However, a service list may also be established by an ALJ ruling or in the body of an Order Instituting Investigation (OII) or an Order Instituting Rulemaking (OIR).

Q: Where can a party or member of the public review or get a copy of an official service list for a proceeding?

A: Official service lists are generally available for review on the Commission website at www.cpuc.ca.gov, unless the proceeding has been closed. Persons who wish to review or obtain a copy of an official service list that is not posted on the Commission website may contact the Commission Process Office at (415) 703-2021.

Q: How can changes or corrections to an official service list be made?

A: A party may submit a change of address or a change in its designation of the person authorized to receive service on its behalf by sending a written notice to the Process Office at 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102 and serving a copy of the notice on each party listed in the official service list. The assigned ALJ may also make corrections and minor changes to the official service list and may delete inactive parties. (Rule 2.3 (e), (f).)

LAW AND MOTION REQUIREMENTS/MOTIONS IN COMMISSION PROCEEDINGS

Q: Where can a party find the Commission's requirements for law and motion matters?

A: The Commission's current requirements for law and motion matters, including discovery disputes and procedural motions, are included in Resolution ALJ 164. Resolution ALJ 164 is posted on the Commission website at www.cpuc.ca.gov/. Persons may contact the Public Advisor's Office to obtain a copy of Resolution ALJ 164 or for other assistance. Motions are also governed by Rule 45.

Q: Will procedural motions be handled by the assigned ALJ or the Law and Motion ALJ?

A: Procedural motions may be handled by either the assigned ALJ or the Law and Motion ALJ.

Q: Who may make motions in a Commission proceedings?

A: A party generally may make motions at any time during a proceeding. Persons or entities other than a party to the proceeding may make a motion under limited circumstances, as follows:

- If the person or entity states an intent to become a party to the proceeding at the next opportunity; or
- If the motion relates to a special appearance or limited participation in the proceeding, e.g., a motion to quash; or
- With the permission of the ALJ. (Rule 45.)

Q: Should motions be made orally or in writing?

A: The ALJ may permit oral motions during a hearing or prehearing conference. Otherwise, motions should be submitted in writing and must be filed and served in compliance with the applicable Rules. (Rule 45.)

Q: What information should a motion contain?

A: A motion must state the facts and law supporting the motion and the specific ruling or relief requested from the Commission. (Rule 45.)

Docket Office suggestion: If a motion is seeking authorization to file a certain document, such as a motion to file late comments, the name of the document that the party wishes to file must be referenced in the title of the motion and the document should be attached to the motion.

Q: What is the time period in which opposing parties may respond to a motion?

A: Responses to a written motion must be filed and served within 15 days of the date on which the motion was served, unless the ALJ sets a different date. The ALJ may permit responses to an oral motion at a particular time. (Rule 45.)

Q: Under what circumstances can a party who filed a motion reply to the response filed and served by an opposing party?

A: The moving party may reply to responses to its motion only with the permission of the ALJ. If permission is granted, the moving party would be required to file and serve its reply within 10 days of the last day on which the response could have been filed. (Rule 45.)

Q: Must a moving party state in the opening paragraphs of its reply that the ALJ has authorized the filing of the reply and the date and manner in which the authorization was given, i.e., in writing, by phone, etc.?

A: Yes. (Rule 45.)

Q: May the Commission or the ALJ rule on a motion before

responses or replies are filed?

A: Yes. (Rule 45(h).)

MOTIONS FOR LEAVE TO FILE CONFIDENTIAL MATERIALS UNDER SEAL

Q: May the Commission keep certain materials submitted for filing confidential?

A: Yes. Although the Public Records Act (Gov't. Code section 6250 et seq.) generally requires Commission records to be available for review by the public,² the Commission is authorized under Public Utilities Code section 583 and General Order No. 66-C to keep some types of information confidential. A copy of General No. 66-C is posted on the Commission website at ftp://ftp.cpuc.ca.gov/gopher-data/general_orders/66c.pdf or may be obtained through the Public Advisor's Office.

Q: Must parties who wish to protect the confidentiality of materials file motions seeking leave to file the materials under seal?

A: Generally, yes. However, under Decision (D.) 97-09-035 (74 CPUC2d 667), non-dominant interexchange carriers (NDIECs) that are not facilities-based and that are filing commercially-valuable financial information as part of the registration application process authorized by D.97-06-107 need not file a motion to keep this financial information confidential, provided they comply with the procedures in D.97-09-035.

However, the Public Records Act (Act) also authorizes the Commission to keep certain records confidential if the document falls within an exemption from the disclosure requirements of the Act or when the public interest served by keeping the document confidential clearly outweighs the public interest served by disclosure of the record. (Govt. Code sections 6253, 6255.)

Q: What procedures should be followed by parties who are filing motions for leave to file confidential materials under seal?

A: Motions for leave to file confidential materials under seal must, like other motions, comply with the requirements set forth in Rule 45.

Owing to increasing competition in the telecommunications and electricity markets, as well as other factors, the Docket Office has received a growing number of motions to file confidential materials under seal in recent years. In order to make the processing of these motions more efficient, the following procedures should be followed in addition to those set forth in Rule 45:

Title page. In addition to the caption for the proceeding, the motion should include a title reading as follows:

MOTION OF _____ FOR LEAVE TO FILE
CONFIDENTIAL MATERIAL(S) UNDER SEAL; CONFIDENTIAL
MATERIALS ATTACHED AND FILED UNDER SEAL, NAMELY
_____ (Insert a brief specific description of the
confidential material.)

Identification of Confidential Materials in Body of Motion. Parties should specifically identify and refer to the confidential materials that they wish to file under seal in the body of the motion. For example, a reference to confidential materials could read: “. . . confidential financial records of _____ (insert filer’s name), attached to the (application/brief/compliance filing, etc.) as Exhibit ____.”

Enclosure of Confidential Materials in Unsealed Envelopes, with Title Page of Motion Attached. Parties should place the confidential materials in a sturdy, unsealed envelope and tape a copy of the title page of the motion to the outside of the envelope (in case the envelope and the motion accidentally become separated). Please do not seal the envelope, because the Docket Office needs access to the confidential material to stamp it with the words “Filed Under Seal”, and to affix a stamp indicating the date on which the document was filed. Parties may use rubber bands, paper clips, or similar methods to secure the unsealed envelope and its contents. The envelope should be large enough to hold the confidential materials comfortably. For example, a thick document printed on 8½” by 11” paper should be submitted in a 10” by 12” envelope.

This procedure should be followed for the original and each copy of the motion and confidential materials that is required. Under Rule 2.5, parties must file an original and seven copies of the motion and confidential materials before the official service list has been established, and an original and four copies of the motion and confidential materials after the official service list has been established.

Q: When is it appropriate for a party to file a redacted version of a document, i.e., a copy of the document in which confidential information has been covered or blocked out?

A: Generally, a redacted version should be filed when the allegedly confidential information appears throughout the document, so that it would be impracticable to file only certain pages from the document (such as an appendix) under seal.

Q: How do the procedures for filing confidential information

under seal apply when a redacted version of a document is being submitted?

A: When a redacted version of a document is submitted, the redacted version should be filed and served like any other document of its type at the Commission. It is the unredacted version of the document (i.e., the version showing the confidential information in unmasked form) that should be filed under seal, along with a motion seeking leave to do so. The procedures described above should be followed when filing unredacted versions of documents.

SCOPING INFORMATION

Q: In what types of documents must a party include "scoping information"?

A: Parties must include scoping information in documents filed to initiate a proceeding, such as complaints and applications. (Rule 6.) However, scoping information need not be included in the following types of documents:

- Complaints filed under the Commission's expedited complaint procedure (see Rule 13.2);
- Applications for registration by NDIECs (non-dominant interexchange carriers);
- Requests for arbitration under Section 252 of the Telecommunications Act of 1996.

Q: What types of information should be included in documents to meet the requirement for "scoping information"?

A: Scoping information should include:

- The proposed category for the proceeding, i.e., adjudicatory, quasi-legislative or ratemaking;
- The issues to be considered by the Commission;

- Whether a hearing is necessary; and
- A proposed schedule for the proceeding. (Rule 6.)

The Commission's complaint form includes a section for scoping information. The complaint form is posted on the Commission website under Rule 88 at www.cpuc.ca.gov, or may be obtained through the Public Advisor's Office.

Q: How does a party choose a proposed category for the proceeding?

A: The party should select a proposed category which best fits the type of proceeding that it is filing. The three categories of proceedings are defined as follows:

- Adjudicatory proceedings. Adjudicatory proceedings include: (1) enforcement investigations into violations of law or Commission orders or Rules, and complaints against regulated entities, including challenges to the accuracy of a utility bill but excluding complaints regarding the reasonableness of rates or charges in general.
- Quasi-legislative proceedings. In quasi-legislative proceedings, the Commission establishes policies or rules affecting a class of regulated entities, or may investigate the rates or practices of an entire regulated industry or class of entities within the industry.
- Ratemaking proceedings. Ratemaking proceedings include: (1) proceedings in which the Commission sets or investigates rates for a specifically named utility or establishes a mechanism or procedure that sets rates for a specifically named utility, and (2) other types of proceedings that do not fit within the adjudicatory or quasi-legislative categories. (Pub. Util. Code § 1701.1(c); Rule 5.)

Q: What is the effect of the party's designation of a proposed category for the proceeding?

A: The category proposed by the party is only a suggestion to the Commission. The Commission makes the ultimate decision on the category of a proceeding. In complaint proceedings, this final

determination is made in the Instructions to Answer form served on defendants. (Rule 6(b).) In OSCs and OIs this final determination is made in the Commission's initiatory order. (Rule 6(c)(I).)

In application proceedings, the Commission preliminarily determines the category of the proceeding through a vote at a Commission meeting. (Rule 6.1.) In OIRs, the Commission's initiatory order preliminarily determine the category. In both cases the assigned Commissioner's scoping memo may affirm the preliminary category. (Rule 6(a)(c) and Rule 6(c)(2).) The assigned Commissioner may also change the category by ruling, subject to the approval of the entire Commission. (Rule 6.5.) Under some circumstances, a party may appeal the final categorization of a proceeding by the Commission. (Rule 6.4.)

Q: How does a party determine the proposed schedule for the proceeding?

A: Adjudicatory cases must be completed within 12 months of the date on which the proceeding was filed, and ratemaking and quasi-legislative proceedings must be completed within 18 months of the date on which the proceeding was filed. A Commission proceeding has been completed when the Commission has approved a decision on the proceeding by a vote at a Commission meeting. Parties should keep these timeframes in mind when proposing a schedule for the proceeding. The proposed schedule should also take into account the number and complexity of issues to be considered, the number of parties, the need for and anticipated length of hearings, and other relevant factors. (Pub. Util. Code § 1701.2(d), Rule 6(e).)

Q: How is the final schedule for the proceeding established?

A: The assigned Commissioner sets the final schedule for the proceeding in the scoping memo after the prehearing conference. (Rule 6.3.)

MATERIALS REQUIRED FOR FILING OF APPLICATIONS BY CORPORATIONS

Q: Must a domestic corporation attach a copy of its current articles

of incorporation to any application filed with the Commission?

A: Yes. In addition to other any requirements stated in the Rules, the domestic corporation, i.e., a corporation incorporated in California, must attach a copy of its current articles of incorporation to the original of the application. The articles of incorporation must be certified by the California Secretary of State. A copy of the certified articles of incorporation should, but is not required to be, attached to copies of the application. (Rule 16(a).)

Q: Are there different requirements for non-domestic corporations that file an application with the Commission?

A: Yes. A corporation that is not a domestic corporation must attach a copy of its articles of incorporation, which have been properly certified by the state in which it is incorporated, and a copy of its certificate of qualification to transact intrastate business (certificate of qualification) which has been certified by the California Secretary of State, to the application. A properly certified copy of its current articles of incorporation and its certified certificate of qualification should be attached to copies of the application. (Rule 16(a).)

Q: If the corporation has previously filed its current certified articles of incorporation and/or its current certified certificate of qualification with the Commission, must these documents be refiled with a new application?

A: No. If the current articles of incorporation and/or certificate of qualification have been properly certified and previously filed with the Commission, the corporation needs only to reference in the application the date of the previous filing of these documents and the proceeding in which they were filed. (Rule 16(a).)

CONCLUSION

The Commission hopes that this information is helpful to you. If you have further questions, please review the applicable Rules and feel free to contact the Public Advisor's Office at (415) 703-2074 or public.advisor@cpuc.ca.gov (San Francisco) or (213) 576-7055 or

public.advisor.la@cpuc.ca.gov (Los Angeles.)